

Amendment and Response

Applicant: Paul Strande

Serial No.: 09/676,323

Filed: September 29, 2000

Docket No.: S122.101.101

Title: GOLF SWING PATH AND ALIGNMENT TRAINING DEVICE

REMARKS

This Amendment is responsive to the Office Action mailed January 8, 2002. In that Office Action, the Abstract and specification were objected to. Claims 1, 4, 6, 11-13, and 15 were rejected under 35 U.S.C. §102(b) as being anticipated by Trosko, U.S. Patent No. 3,580,584 ("Trosko"). Claims 2, 3, 5, and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Trosko in view of Anderson, U.S. Patent No. 3,542,369 ("Anderson") and Vlach, U.S. Patent No. 3,899,179 ("Vlach"). Claims 7-10 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Trosko in view of Anderson and Vlach and further in view of Official Notice. Finally, claims 17-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Trosko in view of Anderson, Vlach, Official Notice, and Furbush, U.S. Patent No. 5,350,177 ("Furbush"). With this Response, the specification has been corrected to properly recite priority to the previously-filed provisional application. A new Abstract has been submitted. Finally, claims 3-5 have been cancelled, claims 1, 6, 9, 21, and 22 have been amended, and newly presented claims 23-25 added. It is believed that all claims are now in a condition for allowance.

Claim 1 was rejected as being anticipated by Trosko. Trosko relates to a golf practice device including a forward rod 12 intersecting a bow 11. A separate target bar 23 extends forwardly from the point of intersection between the bar 12 and the bow 11. A golf ball 21 is located on a tee 22 positioned at the point of intersection between the bar 12 and the bow 11. The bow 11 is moveable relative to the rod 12 (Trosko, column 2, lines 12-14) with the bow 11 defining the golf club swing path (Trosko, column 2, lines 14-15). It is respectfully submitted that Trosko does not teach or otherwise suggest the limitations of amended claim 1. In particular, amended claim 1 relates to a golf swing aid having a monolithically formed arm path member and body path member. Clearly, the Trosko device is not monolithic in that the cord 11 is moveable relative to the rod 12, and additional components (e.g., the tee 22, the disc 18, the target bar 23, etc.) are formed apart from the rod 12 and the bow 11. Further, amended claim 1 defines the golf swing aid as having a forward extension and a rearward extension relative to a center thereof, with the arm path member defining a straight edge rearward of the center. In direct contrast, the center of the Trosko device is the point at which the golf ball 21 is positioned.

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(1+) The bar 23 (identified by the Examiner as satisfying the "arm path member" of claim 1), does not extend rearward of this center point, let alone define a straight edge rearward of the center. Notably, this represents a distinct disadvantage of the Trosko device in that the golfer is provided with no indication of a proper back swing path. That is to say, the invention of amended claim 1 provides a distinct component that guides the user to direct his/her arms and thus golf club in a relatively straight back swing fashion. The Trosko device gives no such visual guidance. In fact, with the Trosko device, via the rearward portion of the rod 11, the only back swing visual guidance given to the golfer incorrectly indicates a curved back swing path. For at least these reasons, then, Trosko does not teach or otherwise suggest the invention of amended claim 1.

(V) Notably, none of the other cited references, alone or in combination with Trosko, satisfy the limitations of amended claim 1. For example, Anderson relates to a portable golf practice mat 10 including a fixed tee. The tee 22 and the mat 10 are not monolithically formed. In addition, the mat 10 is limited to a rectangular shape, such that Anderson does not provide for a curved edge, let alone a distinct body path member. Furthermore, it is respectfully submitted that the Examiner has incorrectly viewed Anderson as providing distinct arm path and body path members. In particular, the Examiner identified Anderson as having a body path member (b) and arm path member (a). The lines and arrow heads associated with the identifiers "a" and "b" of Anderson do not physically exist in the golf practice mat 10. Instead, Anderson merely includes the lines a, b in the drawings to illustrate to the reader the alleged relationship between front and back target indicia 28 and path of swing indicia 30, 32. The fact that the lines a, b do not physically exist in the golf practice mat 10 is made clear by reference to FIG. 3 in which the imaginary path of swing line b is again drawn, but clearly does not exist on the mat 10 itself. Therefore, a user of the Anderson mat is forced to guess as to the relationships of the indicia 28-32 as a discernable arm path member and body path member are not provided. Notably, Anderson does not mention, let alone teach, a component for indicating a proper body path during a golf swing. Vlach includes a circular piece 20 from which a separate string 160 extends. Thus, the Vlach device is not monolithic. Further, the circular piece 20 is just that, a circle. At no point does an outer edge of the circular piece 20 define a straight portion. Finally, Furbush relates to a collapsible training device including an inner guide 12 and an outer guide

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14. Removable markers 72-78 are selectively attached to the inner guide 12 such that the training device 10 is not monolithic. Further, the training device 10 does not include a curved component. In light of the above, then, none of the cited references, either alone or in combination, teach or otherwise suggest the limitations of amended claim 1.

Claims 2-17 were rejected under 35 U.S.C. §§102(b) or 103(a) in view of one or more of the cited references. Each of claims 2 and 6-17 depend from claim 1. As previously described, claim 1 is not taught or otherwise suggested by the cited references. Therefore, claims 2 and 6-17 are similarly allowable. Additional distinctions exist. For example, amended claim 6 recites that the golf swing aid further includes a generally arcuate-shaped down swing club path guide arranged between the arm path member and the body path member. None of the cited references include the three distinct components of an arm path member, a body path-member, and a down swing club path guide. In fact, none of the cited references recognize the need for visually indicating to a user a proper down swing club path, but also the proper body path. It is respectfully submitted that the Examiner's reliance upon Trosko is misplaced in that the bow 11 is specifically identified as being the arc along which the golf club is made to swing (Trosko, column 2, lines 14-15), and is unrelated to a body path guide.

Additionally, claim 16 recites that an inner edge of the arm path member and an inner edge of the body path member adjacent respective trailing ends thereof define an acute angle therebetween having a vertex. The Examiner has referenced Anderson as satisfying this limitation. However, as described above, Anderson does not include discernable arm path and body path members that define an angle having a vertex. Instead, the lines a, b shown in FIGS. 1-3 of Anderson are only imaginary; they do not physically exist on the Anderson mat 10. FIG. 3 makes clear that the line b does not exist. Therefore, Anderson does not teach or otherwise suggest the limitations of claim 16.

Independent claim 18 relates to a golf swing aid including monolithically formed arm path and body path members each having leading ends that diverge from one another, and trailing ends that diverge from one another, with the outer edge of the body path member being arcuate. As previously described, none of the cited references teach or suggest a monolithic unit. Further, while the Trosko device does appear to include a curved or arcuate rod 11, the target bar

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23 (identified by the Examiner as being the “arm path member”) does not have a trailing end that diverges from a trailing end of the rod 11. None of the other cited references teach or otherwise suggest at least these limitations. Therefore, claim 18 recites patentable subject matter.

Claims 19-22 depend from claim 18. As previously described claim 18 is not taught or otherwise suggested by the cited references. Therefore, claims 19-22 are similarly allowable.

Newly presented claim 23 depends from claim 1 and recites that the body path member is non-moveable relative to the arm path. Support for this limitation is provided, for example, by the figure, and at page 10, lines 18-19. With respect to the cited references, the various path indicators of Trosko and Furbush are moveable relative to one another. Conversely, Anderson and Vlach do not include separate, distinct arm path and body path members. Therefore, it is respectfully submitted that newly presented claim 23 recites patentably distinct subject matter.

Newly presented claim 24 depends from claim 1 and further defines that forward and rearward extensions of the arm path member define a straight outer edge. As previously described, Trosko does not satisfy or otherwise suggest this limitation. Therefore, it is respectfully submitted that claim 24 recites patentably distinct subject matter.

Finally, newly presented claim 25 depends from claim 6 and recites that the down swing club path guide is non-moveable relative to the arm path member and the body path member. Support for this limitation is found, for example, in the figure. As previously described, none of the cited references include discernable arm path member, body path member, and down swing club path guide components. Further, while the Examiner has viewed Furbush as including a club path indicator 78 (“S”), the marker 78 is specifically described as being removably secured to the inner guide 12 such that Anderson does not teach or otherwise suggest the limitations of newly presented claim 25.

CONCLUSION

It is believed that all claims are now in a condition for allowance. Notice to that effect is respectfully requested.

No fees are required under 37 C.F.R. 1.16(b)(c). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 500471.

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Attached hereto is a marked-up version of the changes made to the specification and/or the claims by the current Amendment. The attached pages are captioned "**VERSION WITH MARKINGS TO SHOW CHANGES MADE**".

The Examiner is invited to contact the Applicants' Representative at the below-listed telephone number if there are any questions regarding this response.

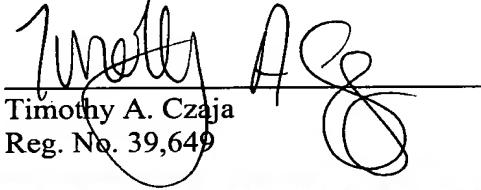
Respectfully submitted,

Paul J. Strande,

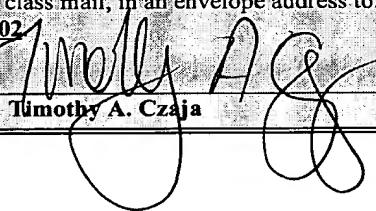
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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Commissioner for Patents, Washington, D.C., 20231 on this 8th day of April, 2002.


By _____
Name: Timothy A. Czaja

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Paul Strande Examiner: Nini F. LeGesse
Serial No.: 09/676,323 Group Art Unit: 3711
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Title: GOLF SWING PATH AND ALIGNMENT TRAINING DEVICE

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AMENDMENT AND RESPONSE

Commissioner for Patents
Washington, D.C. 20231

VERSION WITH MARKINGS
TO SHOW CHANGES MADE

Dear Sir/Madam:

This Amendment is responsive to the Office Action mailed January 8, 2002. Please amend the above-identified patent application as follows:

IN THE SPECIFICATION

At page 1, line 3, please add the following paragraph:

-- This application claims domestic priority from earlier filed provisional application

Serial No. 60/156,904, filed September 30, 1999.--

IN THE ABSTRACT

Please replace the Abstract with a new Abstract as shown in the attached sheet.

IN THE CLAIMS

Please cancel claims 3-5 and add newly presented claims 23-25.

Please amend claims 1, 6, 9, 21, and 22 as follows:

1.(Amended) A golf swing aid for guiding a user through a golf swing when the user addresses a golf ball positioned at a center of the aid such that in relation to a stance of the user upon addressing the golf ball, the aid defines a forward extension and a rearward extension relative to the center, the golf swing aid comprising:

an arm path member having a substantially linear, elongate shape and having a leading end, a central portion, and a trailing end; and

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a body path member having a generally arcuate shape with a leading end, a central portion and a trailing end, with the central portion being integrally connected together with the central portion of the arm path member as a monolithic unit; wherein an outer edge of the arm path member defines a straight edge rearward of the center and an outer edge of the body path member defines a curved edge.

2. The golf swing aid of claim 1, wherein the arm path member includes a directional arrow disposed at each of the leading and trailing ends of the arm path member, with the directional arrows pointing in opposite directions relative to one another.

3.(Cancelled) The golf swing aid of claim 2, wherein the leading end of the body path member includes a directional arrow.

4.(Cancelled) The golf swing aid of claim 1, wherein the arm path member includes a generally straight arm path indicator and the body path member includes a generally arcuate body path indicator, with each indicator being disposed on a first side of the golf swing aid.

5.(Cancelled) The golf swing aid of claim 4, wherein a second arm path indicator and a second body path indicator, are disposed on a second side of the golf swing aid opposite the first side.

6.(Amended) The golf swing aid of claim 41, and further comprising:

a generally arcuate-shaped down swing club path indicator guide arranged between the arm path indicator member and the body path indicator on the first side of the golf swing aidmember.

7. The golf swing aid of claim 1, wherein a junction of the central portions of the arm path member and the body path member defines an elongate hole for receiving a golf tee.

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8. The golf swing aid of claim 1, wherein the central portion of the arm path member further includes a target line indicia disposed adjacent the leading end and a back swing indicia disposed adjacent the trailing end.

9.(Amended) The golf swing aid of claim 8, wherein the back swing indicia includes a generally straight solid line ~~with dashed portions formed therein.~~

10. The golf swing aid of claim 8, wherein the target line indicia includes a generally straight solid line.

11. The golf swing aid of claim 1, wherein the body path member includes a back swing portion and a follow through portion, with the back swing portion and the follow through portion each have a generally arcuate shape generally matching the curvature of the body path member.

12. The golf swing aid of claim 11, wherein both the back swing portion and the follow through portion include an indicia formed thereon and having a shape generally matching the curvature of the respective follow through portion and back swing portion.

13. The golf swing aid of claim 1, wherein the body path member is configured to visually indicate an incorrect swing path.

14. The golf swing aid of claim 1, and further comprising:

a first anchoring hole adjacent the leading end of the arm path member;

a second anchoring hole adjacent the trailing end of the arm path member; and

an elongate golf tee hole centrally located at a junction between the arm path member and the body path member.

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15. The golf swing aid of claim 1, wherein an inner edge of the arm path member and an inner edge of the body path member adjacent the respective leading ends of the arm path member and the body path member define a first acute angle therebetween having a vertex.

16. The golf swing aid of claim 15, wherein the inner edge of the arm path member and the inner edge of the body path member adjacent the respective trailing ends of the arm path member and the body path member define a second acute angle therebetween having a vertex.

17. The golf swing aid of claim 16, and further comprising a club path indicator extending through a junction of the arm path member and the body path member with a leading end of the club path indicator disposed adjacent to the vertex of the first acute angle and a trailing end of the club path indicator disposed adjacent the vertex of the second acute angle.

18. A golf swing aid comprising:

an arm path member having a generally straight shape and include a trailing end, a leading end, and an outer edge that is generally straight;

a body path member having a generally arcuate shape and include a trailing end, a leading end, and an outer edge that is generally arcuate shape;

wherein the arm path member and body path member together define a monolithic unit and have a common central portion with the leading ends of the arm path member and the body path member diverging from each other and the trailing ends of the arm path member and the body path member diverging from each other.

19. The golf swing aid of claim 18, comprising:

a substantially straight, arm path indicator imposed on the arm path member and being generally parallel to the outer edge of the arm path member;

a generally arcuate-shape, body path indicator imposed on the body path member and being generally curvalinearly aligned with the curvature of the outer edge of the body path member; and

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a club path indicator disposed on the common central portion of, and extending between,
the arm path member and the body path member.

20. The golf swing aid of claim 19, wherein the common central portion of the arm path member and the body path member further includes a centrally located elongate hole adapted for receiving a golf tee with the elongate hole extending generally parallel to the arm path indicator.

21.(Amended) The golf swing aid of claim 19, and further comprising:

a directional arrowhead disposed on each of the leading and trailing ends of the arm path member, with the directional arrowheads pointing in opposite directions; and
~~a directional arrowhead disposed on the leading end of the body path member.~~

22.(Amended) The golf swing aid of claim 21, and further comprising:

a target-line indicator disposed on the arm path member adjacent the leading end; and
a back swing indicator disposed on the arm path member adjacent the trailing end of the arm path member, with the back swing indicator including a directional arrowhead located adjacent to and pointing in the same direction as the directional arrowhead of the trailing end of the arm path member; and

~~a follow through indicator disposed on the body path member adjacent the leading end,~~
~~with the body follow through indicator including a directional arrowhead located adjacent to and pointing in the same direction as the directional arrowhead of the leading end of the body path member.~~

--23.(Newly Presented) The golf swing aid of claim 1, wherein the body path member is non-moveable relative to the arm path member.

24.(Newly Presented) The golf swing aid of claim 1, wherein the central portion of the arm path member extends forwardly and rearwardly relative to the center, the forward and rearward extensions of the arm path member defining a straight outer edge.

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25.(Newly Presented) The golf swing aid of claim 6, wherein the down swing club path guide is non-moveable relative to the arm path member and the body path member.--